

REMARKS

In summary, claims 1, 6-8, 24, and 29-35 are pending. Claims 1 and 24 are independent. All pending claims, except claim 31, are amended. No new matter is added. Claims 1 and 6-8 are rejected under 35 U.S.C. § 101. Claim 1 is rejected under 35 U.S.C. § 112. Claims 1, 6-8, 24, and 29-35 are rejected under 35 U.S.C. § 103. Reconsideration and withdrawal of the finality of the rejection and the rejections themselves in view of the foregoing amendments and following remarks is respectfully requested.

Telephone Conversation With Examiner

Examiner Tran is thanked for the telephone conversation conducted on June 11, 2008. Examiner Tran's interpretations of the claims and references as well as proposed claim amendments were discussed. No agreements were reached.

Rejection of Claims 1 and 6-8 under 35 U.S.C. § 101

Claims 1 and 6-8 are rejected as allegedly claiming nonstatutory subject matter under 35 U.S.C. § 101. Without waiver or prejudice, claim is amended to recite "[a] computing environment having a processor comprising a unified user interface . . .". Accordingly, it is respectfully requested that the rejection of claims 1 and 6-8 under 35 U.S.C. § 101 be reconsidered and withdrawn.

Rejection of Claim 1 under 35 U.S.C. § 112

Claim 1 is rejected as allegedly failing to comply with the written description requirement of 35 U.S.C. § 112. The rejection is based on use of the word "digital," as in "digital application." Without waiver or prejudice, claim 1 is amended to remove the term "digital." Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. § 112 be reconsidered and withdrawn.

Rejection of Claims 1, 6-8, 24 and 29-35 under 35 U.S.C. § 103(a)

Claims 1, 6-8, 24, and 29-35 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over commonly assigned (to Microsoft) U.S. Patent No. 5,706,458, issued to Koppolu (hereinafter referred to as “Koppolu”) in combination with alleged common knowledge according to the Examiner. Applicants traverse the rejection.

First, it is respectfully submitted that the proposed amendments moot the rejection. Accordingly, Applicants respectfully request that the rejection of claims 1, 6-8, 24, and 29-35 under 35 U.S.C. § 103 be reconsidered and withdrawn. It is respectfully submitted that the Examiner has misinterpreted the claim limitations to erroneously read them onto Koppolu. The amendments attempted to make it even clearer that the user interface is for a modular shell application with a plurality of software components and that the user interface operates independently to automatically generate and regenerate a shell interface when software components are modified.

Second, Applicants expressly challenge the several statements made in the Office Action akin to “official notice.” Applicants require actual evidence that the claimed subject matter is well known rather than mere conclusions by the Examiner without any evidence. Specifically, the Office Action admits Koppolu does not disclose these limitations, but argues that it is well known that “each command and command vector hav[e] a unique object identifier and a visibility flag specifying whether the command or command vector is to be displayed within the interface to a user of the interface.” (Office Action, pp. 5-6). The Office Action also argues that “it was well known in the art Koppolu teaches [allegedly per interpretation of col. 5, ll. 25-65] the additional components being subsequently added after purchase by the user and after development because it enhances system functionality.” Applicants traverse these mere conclusions alleging what was well-known without evidence.

First, in contrast to the “official notice” argument in the Office Action, Koppolu’s Abstract points out that when container application and server application menus correspond that submenus are used to “merge” the menus to keep them separated from clashes. Unique identifiers are

obviously not necessary when clashes are avoided with submenus. As shown in FIG. 12 of Koppolu, Koppolu uses only the processing application identifier (i.e. identifying the container application or server application). It does not use a unique identifier because all Koppolu is doing is distinguishing whether the container or server application processes particular submenus and their contents. A search of “identifier” in Koppolu highlights this repeatedly stated fact in Koppolu. Thus, the argument in the Office Action (pp. 5-6) that Koppolu must inherently have “a unique object identifier in order to get the desired ‘Technical Support’ command when the user requests [it]” is not true.

Second, in contrast to the argument in the Office Action, Koppolu does not teach or suggest visibility or invisibility of commands or command vectors. The Office Action presumably refers to enabled (black) and disabled (gray) menu items, but that is not what the claim limitation states. A command may be invisible, but still enabled. See, e.g., Application, p. 11, l. 20; p. 17, ll. 17-21. The Office Action failed to properly interpret the claimed subject matter and, thus, failed to present any evidence that it is disclosed in the prior art.

Third, with regard to the wherein clause, i.e., “wherein additional components can be subsequently added to a corresponding component table by a user,” the Office Action refers to col. 5, ll. 25-65 of Koppolu. The Office Action completely misinterprets this clause and/or Koppolu. Clearly contrary to the argument in the Office Action, this passage in Koppolu merely states the objective of Koppolu, which is to make both the server application menu and the container application menu available to a user when the user has created a compound document and has selected the server application object in the container application (i.e. activated the server object). This has absolutely nothing to do with a user being able to add and remove software components from either the server application or the container application. The argument about what the passage discloses is without merit. Furthermore, simply because the Examiner uses the benefit of hindsight in view of Applicants’ specification to see a benefit (e.g. enhancing system functionality) to claimed subject matter (e.g. permitting a user to modify components in an application), does not make the claimed subject matter well-known. The rejection and underlying argument falls flat on its face

without any evidence at all to expose the improper use of hindsight to reject the claims. Applicants deserve to have the rejection and the finality of the rejection withdrawn for this improper argument.

In any case, the proposed amendment replaces the wherein clause as follows: “a unified user interface automatically generated from the master table; wherein additional components can be subsequently added to a corresponding component table by a user the master table is remerged from the component tables and the user interface is automatically regenerated from the remerged master table in response to modification of a software component of the application.” Application, Claim 1 (as amended). Koppolu does not teach or suggest modification of components and remerger following modification. Accordingly, the proposed amendment should be entered and the rejection should be withdrawn.

Without evidence, the Office Action fails to present a prima facie rejection of the claimed subject matter. Koppolu provides no support for the conclusions about what is allegedly well-known. For this reason alone the rejection and its finality should be withdrawn.

Third, the Office Action did not identify what elements/operations in Koppolu are being equated with what elements/operations in the claimed subject matter, which leaves Applicants guessing as to support for the claim rejection. Without providing rationale as to how a reference is being asserted against a claim, the burden to clearly articulate the rejection has not been met. “The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and other wise reply completely at the earliest opportunity.” (Emphasis added) M.P.E.P. § 706. “The pertinence of reference, if not apparent, must be clearly explained and each rejected claim specified.” (emphasis added) 37 § CFR 1.104 (c)(2), M.P.E.P. 706.

In order to help Applicant understand the interpretations and arguments being made, Applicants request that the Examiner comply with M.P.E.P. § 706 to clearly articulate the rejection by expressly pointing out what elements/operations in Koppolu are being equated with

what elements/operations in the claimed subject matter to enable Applicant to respond without guessing.

For example, instead of making an argument, the Office Action makes a two page citation to “figure 22, column 14, line 4 through column 16, line 10” as an “argument” against the claim limitation “each component table including a description for adding each command to the user interface.” An explanation must be provided in order to determine whether the Office Action presents a consistent, comprehensive and accurate argument, which will permit Applicant to respond accordingly. Despite the failure to provide an argument against the claim limitation, Applicants will attempt to respond.

The lengthy citation made by the Office Action has nothing to do with “each component table including a description for adding each command to the user interface.” Koppolu states that “FIGS. 8 to 12 illustrate the process of generating a merged menu list.” Koppolu, col. 13, ll. 10-11-12. The “descriptor” discussed in Koppolu is not present in component tables and, instead, is only present with respect to a merged menu list. Koppolu discusses the creation of a “descriptor, which is a data structure used by the operating system to determine whether to send window messages to the container application program’s window procedure or to the server application program’s window procedure.” Koppolu, col. 14, ll. 29-32. This does not remotely read on the claim limitation where “each component table include[es] a description for adding each command to the user interface.” Application, Claim 1 (as amended).

Against the claim limitation, “each component table corresponding to a component of the application,” the Office Action apparently refers to FIG. 1 of Koppolu with the argument that “the commands under Help menu correspond to components of the application.” (Office Action, p. 4). The help menu in Koppolu’s FIG. 1 lists: “Search for Help on ...,” “Index,” “Quick Preview,” “Examples and Demos,” “Tip of the Day ...,” “Wordperfect Help ...,” “Technical Support” and “About Microsoft Word ...” First of all, Koppolu does not address a “modular software component-based shell application” having “a plurality of component tables, each component table

corresponding to and providing resource information about a particular component.” Koppolu’s help menu is produced for one application, but not components of a “modular software component-based shell application.” The menu items in the help menu are not component tables, they are menu items. Furthermore, the menu items do not “correspond[] to and provid[e] resource information about a particular component of the [“modular component-based”] application.” Application, Claim 1 (as amended). Thus, the argument made in the Office Action is without merit.

Against the claim limitation, “each component table including at least one command for the corresponding component,” the Office Action argues that “at least one command ‘Technical Support’ is included in ‘Help’ component table.” (Office Action, p. 4). Again, the help menu is a menu, not a component table. A menu is merely one type of command vector. Thus, the argument made in the Office Action is without merit.

Against the claim limitation, “each command having an associated priority,” the Office Action cited column 4, line 65 – column 15, line 5 and FIG. 10. However, this citation does not read on the claim limitation. First, the claim limitation clearly refers to commands whereas the citation clearly refers only to menus. The menu group count array shown in FIG. 10 merely indicates the number of menus added to each of six menu groups, e.g., menus View, Insert, Format, Tools and Table are five menus added to the server menu group 610 by the server application serving an object to the container application, as indicated by the entry “5” in server menu group 1010 in FIG. 10. Therefore, the argument in the Office Action that “each command has its priority based on the CountArray at figure 10” is not accurate because, even if the numbers of menus in FIG. 10 were priorities, they are associated with menus and not commands. Second, the numbers in the menu group count array are numbers of menus inserted by either the server application or the container application. There is no priority disclosed, let alone priority of individual commands. Thus, the argument made in the Office Action is without merit.

Against the claim limitation, “a master table merged from the ~~one or more~~ plurality of component tables, said master table including available commands and available command vectors

for the ~~digital~~ application,” the Office Action argued “the commands under Help menu correspond to components of the application.” (Office Action, p. 5). This argument without citation is wholly inadequate because it does not even address all of the limitations in the portion of the claimed subject matter. Again, the help menu is a menu, not a component table. A menu is one type of command vector. Also, the help menu (referred to without citation) is not a master table that has been merged, let alone from a plurality of component tables. Thus, the argument made in the Office Action is without merit.

Accordingly, at least because the proposed amendments moot the rejection, at least because a prima facie rejection has not been made due to a failure to provide evidence, due to gross misinterpretation of the prior art, due to a failure to explain arguments against the claims, and/or at least because Koppolu does not teach or suggest the claimed subject matter, it is respectfully requested that the rejection of claims 1, 6-8, 24 and 29-35 be reconsidered and withdrawn along with the finality of the rejection.

Amendments, made herein or previously made, are without abandonment of subject matter. Applicant expressly reserves the right to, in the pending application or any application related thereto, reintroduce any subject matter removed from the scope of claims by any amendment and introduce any subject matter not present in current or previous claims.

DOCKET NO.: MSFT-0515/37430.02
Application No.: 09/519,206
Office Action Dated: April 3, 2008

PATENT
REPLY FILED PURSUANT TO
37 CFR § 1.116

CONCLUSION

In view of the foregoing amendments, remarks, and terminal disclaimer, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are requested.

Date: June 25, 2008

/Joseph F. Oriti/
Joseph F. Oriti
Registration No. 47,835

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439